

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI  
January 15, 2008

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The City Council convened in Special Session on Tuesday, January 15, 2008, at 7:00 p.m. in the Council Chambers on the fourth floor of City Hall, 200 North Second Street, with President of the Council Bob Kneemiller, presiding, the Honorable Mayor Patricia M. York and Members of the Council present as follows: Dave Beckering, Erv Ermeling, Laurie Feldman, Michael Klinghammer, Larry Muench, Jerry Reese, Ron Stivison, Richard Veit, and Michael Weller. Absent: None. The City Clerk, Marilyn K. McCoy, was present and performed the duties of that office.

File # 46717

The meeting was opened with the Invocation, those present standing in a moment of silence, followed by the Pledge of Allegiance to the Flag.

PUBLIC COMMENT RELATIVE TO AGENDA ITEMS

Council Bill 9527 Amending Chapter 115 of the Code of Ordinances Pertaining to  
Alcoholic Beverages

**Tom Besselman**, 550 Jackson, spoke in opposition to Council Bill 9527.

**Carolyn Strong**, 111 Transit, spoke in opposition to Council Bill 9527.

**Mike Maurer**, 125 North Main Street, spoke in opposition to Council Bill 9527.

**Sam Handlang**, 120 South Main, spoke in opposition to Council Bill 9527.

**Susan Berthold**, 302 North Main Street, spoke in opposition to Council Bill 9527.

A motion was made by MICHAEL KLINGHAMMER to allow Sharlotte Worthington five minutes to speak. RICHARD VEIT seconded the motion. All voted in favor, motion passed. **Sharlotte Worthington**, 220-226 North Main Street, spoke in opposition to Council Bill 9527.

**Penny Pitman**, 105 North Main, spoke in opposition to Council Bill 9527. A motion was made by RICHARD VEIT to allow the speaker an additional two minutes to speak. MICHAEL KLINGHAMMER seconded the motion. All voted in favor, motion passed.

**Holly Haddox**, 1001 South Main Street, spoke in opposition to Council Bill 9527.

**Karen Satterfield**, 715 South Main, spoke in opposition to Council Bill 9527.

Council Bill 9539 Authorizing a Cooperation Agreement Between the City of St. Charles  
and Lindenwood University for the Acquisition of Right of Way Related to the West Clay  
Realignment with First Capitol Drive Project

**Tom Besselman**, 550 Jackson, spoke in opposition to Council Bill 9539.

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A Resolution Authorizing Submittal of an Application with The St. Louis-Jefferson Solid Waste Management District for the 2008 Waste Reduction and Recycling Grant Program  
(Sponsors: All Members of the City Council)

Councilmember Laurie Feldman stated that the funding received from this grant will be used to place recycling receptacles along North and South Main Street and within the Frenchtown Historic District along North Second Street. Discussion was held relative to obtaining comments from property owners of the areas in which the receptacles will be placed in the event the grant is received. Vice President of the Council Jerry Reese suggested that Staff obtain a copy of the recently adopted recycling program adopted by Jefferson City to use as a reference. A roll call vote was taken, with the following results:

**Passed** “Aye”: Ermeling, Feldman, Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit, Weller, and Beckering

“Nay”: None

Absent: None

***Approved*** by the Honorable Mayor on January 15, 2008, and is known as **Resolution R08-03**

### BILL FOR POSSIBLE AMENDMENT

**Bill 9527 (Amended)**

An Ordinance Amending Chapter 115 of the Code of Ordinances Pertaining to Alcoholic Beverages (*Sponsors: Richard Veit, Bob Kneemiller, and Larry Muench*)

A motion was made by MICHAEL KLINGHAMMER to amend Council Bill 9527 by deleting Section 115.14(A)(2) pertaining to selling or offering to sell or deliver to any person an unlimited number of alcoholic beverages of any type during a set period of time for a fixed price. JERRY REESE seconded the motion. All voted in favor, motion passed.

A motion was made by MICHAEL KLINGHAMMER to amend Council Bill 9527 by deleting the following language contained in Section 115.24(C): “the licensed premises and all portions of the buildings of the premises, including all rooms, cellars, outbuildings, passageways, closets, vaults, yards, attics, and all buildings used in connection with the operation carried on under the license and which are under their possession and control, and all places where they keep and have alcoholic beverages stored”; and inserting the following language: “all areas of the licensed premises where alcoholic beverages are sold or stored.” LAURIE FELDMAN seconded the motion. Discussion was held relative to the motion, including that identical language is contained in the State Regulations. Councilmember Michael Klinghammer withdrew the motion.

A motion was made by MICHAEL KLINGHAMMER to amend Council Bill 9527 by amending Section 115.34(B)(10)(a) to read as follows: “(a) Those establishments which ~~qualify and obtain~~ (1) obtain a license to sell at retail by the drink, for consumption on premises where sold, of all kinds of intoxicating liquor, including the sale, except Sunday, of intoxicating liquor in the original package, and (2) qualify for a license to sell intoxicating liquor between the hours of 11:00 a.m. and midnight on Sunday, by the drink at retail for consumption on the premises. Continued operation of such an establishment within any HDD District, licensed pursuant to and in accordance with this division, shall be contingent upon ~~the possession of both~~ (1) possession

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of a license to sell at retail by the drink, for consumption on premises where sold, of all kinds of intoxicating liquor, including the sale, except Sunday, of intoxicating liquor in the original package, and (2) qualification for a license to sell intoxicating liquor between the hours of 11:00 a.m. and midnight on Sunday, by the drink at retail for consumption on the premises; and" RICHARD VEIT seconded the motion. All voted in favor, motion passed.

A motion was made by MICHAEL KLINGHAMMER to amend Council Bill 9527 by deleting the proposed amendment to Section 115.34(B)(10) which read: ~~(b) Licenses to sell at retail by the drink, for consumption on premises where sold, of all kinds of intoxicating liquor, including the sale, except Sunday, of intoxicating liquor in the original package at locations in the 100 block of South Main Street and the 100, 200 and 300 blocks of North Main Street issued between October 1, 1996 and August 31, 2007 including licenses for establishments which had been issued a license between October 1, 1996 and August 31, 2007, provided the total number of licenses issued in the 100 block of South Main Street and the 100, 200 and 300 blocks of North Main Street shall not exceed six (6) licenses;~~ and that, in the event Council Bill 9527 is passed and becomes effective with the proposed amendment deleted pertaining to the number of bar only licenses, that Administration is directed to hold in abeyance enforcement to Section 115.34(B)(10) until June 2008 to provide those establishments time to come into compliance with the Ordinance. LAURIE FELDMAN seconded the motion. A roll call vote was taken, with the following results: "Aye": Feldman, Klinghammer, Kneemiller, Muench, Reese, Stivison, Beckering, and Ermeling. "Nay": Veit. Absent: Weller. Motion passed.

A motion was made by RICHARD VEIT to amend Council Bill 9527 by amending Section 115.03 to read as follows: "Notwithstanding any other provision of this chapter to the contrary, any Licensee whose license to sell intoxicating liquor by the drink except sales on Sundays shall be allowed to sell intoxicating liquor by the drink, from the time and until the time which would be lawful on any other day of the week under the license, on any Sunday for which the State of Missouri has, by statute, allowed such licensees to engage in Sunday sales." MICHAEL KLINGHAMMER seconded the motion. All voted in favor, motion passed.

A motion was made by RICHARD VEIT to amend Council Bill 9527 by amending Section 115.14(A)(3) to add the following language: "for consumption on the premises" to the current language "allow on the premises any game or contest which involves drinking alcoholic beverages or awarding alcoholic beverages". MICHAEL KLINGHAMMER seconded the motion. All voted in favor, motion passed.

Councilmember Laurie Feldman recommended that the Liquor License Renewal Application Process be updated and revised.

A motion was made by LAURIE FELDMAN that a provision be added to Council Bill 9527 to require that an Applicant for a Liquor License certify on the application that they have read Chapter 115 of the Code of Ordinances and the State of Missouri Liquor Control Law, Chapter 311 of the Revised Statutes of Missouri and the Code of State Regulations promulgated thereunder. RICHARD VEIT seconded the motion. All voted in favor, motion passed.

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A motion was made by LAURIE FELDMAN that the Applicant must submit a Tourism Tax Return on Renewal Applications. DAVE BECKERING seconded the motion. All voted in favor, motion passed.

President of the Council Bob Kneemiller requested that City Attorney Michael Valenti review the portion of the St. Peters Liquor License Ordinance relative to assessment of points for violations.

**BILLS FOR FINAL PASSAGE**

**Bill 9539 (Supplemental RCA)**

An Ordinance Authorizing a Cooperation Agreement Between the City of St. Charles and Lindenwood University for the Acquisition of Right of Way Related to the West Clay Realignment with First Capitol Drive Project for the Purchase of the Right of Way and Permanent Slope Easement for the Property Located at 2310 West Clay (*Sponsor: Ron Stivison*)

**Passed**        “Aye”: Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit, Weller,  
                         Beckering, Ermeling, and Feldman

                         “Nay”: None

                         Absent: None

**Approved** by the Honorable Mayor on January 23, 2008, and is known as **Ordinance 08-14**

**Bill 9556**

An Ordinance Authorizing the Filing of an Application with the Missouri Division of Tourism, Cooperative Marketing Program, for the FY 2009 Convention Marketing Grant (July 1, 2008 thru June 30, 2009) for the Visitor/Meeting/Convention/Sporting Event Campaign and to Sign All Necessary Documents to Accept and Receive Said Grant (*Sponsor: Ron Stivison*)

**Passed**        “Aye”: Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit, Weller,  
                         Beckering, Ermeling, and Feldman

                         “Nay”: None

                         Absent: None

**Approved** by the Honorable Mayor on January 17, 2008, and is known as **Ordinance 08-12**

**Bill 9557**

An Ordinance Authorizing the Filing of an Application with the Missouri Division of Tourism, Cooperative Marketing Program, for the FY 2009 Amateur Sports Marketing Grant (July 1, 2008 thru June 30, 2009) and to Sign All Necessary Documents to Accept and Receive Said Grant (*Sponsor: Ron Stivison*)

**Passed**        “Aye”: Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit, Weller,  
                         Beckering, Ermeling, and Feldman

                         “Nay”: None

                         Absent: None

**Approved** by the Honorable Mayor on January 17, 2008, and is known as **Ordinance 08-13**

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**Bill 9561**

An Ordinance Approving the Record Plat for The New Town at St. Charles Plat Six-D, a Subdivision of the City of Saint Charles, Missouri (*Sponsor: Michael Klinghammer*)

**Passed** "Aye": Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit, Weller,  
Beckering, Ermeling, and Feldman

"Nay": None

Absent: None

**Approved** by the Honorable Mayor on January 23, 2008, and is known as **Ordinance 08-15**

The Special Council Meeting adjourned at 9:05 p.m.

February 5, 2008  
Date Passed

Maip L. M. Coy  
City Clerk

Bob Kneemiller  
Bob Kneemiller, Presiding Officer